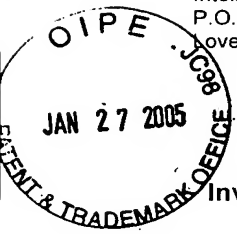


AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Boulder, Colorado 80537-0599

PATENT APPLICATION
Attorney Docket No. 11047.03



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joseph J. KIRKLAND, et al.

Confirmation No.: 5101

Application No.: 10/694,918

Examiner: C.P. Cooke

Filing Date: October 28, 2003

Group Art Unit: 1754

Title: POROUS SILICA MICROSPHERE SCAVENGERS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

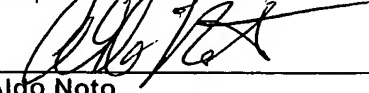
Sir:

1. This application became abandoned on November 18, 2004.
2. This application became abandoned because of an unintentional delay causing a failure to prosecute. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
3. Response or action required: A response under 37 CFR 1.111 is enclosed herewith.
4. Terminal disclaimer 37 CFR 1.137(c): Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

Please charge \$1,500.00 to Deposit Account 50-2849. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-2849 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-2849 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Should the Commissioner require anything further in order to fulfill this petition, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


Aldo Noto
Attorney/Agent for Applicant(s)
Reg. No. 35,628

02/01/2005 AWONDAF1 00000052 502849 10694918

01 FC:1453 1500.00 DA

Date: January 27, 2005

Telephone No.: (202) 662-2700

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 11047.03



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joseph J. KIRKLAND, et al.

Serial No.: 10/694,918

Examiner: C.P. Cooke

Filing Date: 10/28/2003

Group Art Unit: 1754

Title: POROUS SILICA MICROSPHERE SCAVENGERS

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

APPOINTMENT OF ASSOCIATE ATTORNEY/AGENT 37 CFR 1.34(b)

Sir:

In the above-identified application, please recognize Aldo Noto, Patent Reg. No. 35,628, as associate attorney/agent with full power to prosecute this application, to make alterations and amendments therein, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Please address all future communications to:

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599

() I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: _____ or

() I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: _____

Typed Name: _____

Signature: _____

Respectfully submitted,

Joseph J. KIRKLAND, et al.

By Gordon Stewart

Gordon Stewart
Attorney/Agent for Applicant(s)
Reg. No. 30,528

Date: January 14, 2005

Telephone No.: (650) 485-2386

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Cleveland, Colorado 80537-0599

Zhu DAC
PATENT APPLICATION
Attorney Docket No. 11047.03 *8*



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joseph J. KIRKLAND, et al.

Confirmation No.: 5101

Application No.: 10/694,918

Examiner: C.P. Cooke

Filing Date: October 28, 2003

Group Art Unit: 1754

Title: POROUS SILICA MICROSPHERE SCAVENGERS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. 1.111 AND PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

Sir:

This reply is prepared in Response to the Office Action dated May 17, 2004 in the above captioned matter. In addition to this letter our reply includes a petition to revive under 37 CFR 1.137(b), a terminal disclaimer under 37 CFR 1.321(c), a new appointment of agent and fees for both the instant petition and the terminal disclaimer, both fees of which are being authorized to be charged under separate covers respectively.

Remarks:

In the office action of May 17, 2004 the Examiner rejected all pending claims (e.g., claims 1-25) in a nonstatutory double patenting rejection over U.S. Patent 6,482,324. This was the only rejection and the Examiner advised that the filing of a terminal disclaimer in compliance with 37 CFR 1.321(c) could be used to overcome a nonstatutory double patenting rejection.

As U.S. Patent 6,482,324 and the present Application are both owned by Agilent Technologies, Inc., a signed terminal disclaimer in compliance with 37 CFR 1.321(c) is provided with this submission. Applicants believe this should overcome the Examiner's double patenting rejection. Accordingly, Applicants request that the double patenting rejection be removed and that all claims be allowed to pass to issue.

The above-captioned continuation application was unintentionally abandoned due to the fact that the Examiner's Office Action was sent to the Dorsey & Whitney Law firm by the U.S. Patent and Trademark Office instead of to the addressee of record in the parent application. Also, the Office Action was not forwarded to Applicants in a timely manner due to a communication error. Finally, the applicant has not received a Notice of Abandonment to date. Accordingly, the Applicants respectfully request that the enclosed petition to revive be granted.

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION
Attorney Docket No. 11047.03

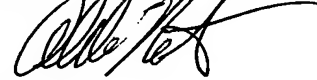
This submission further includes a new appointment of agent under 37 CFR 1.34(b). Applicants request that all future communication be directed to Agilent Technologies, Inc., Legal Department, DL429, Intellectual Property Administration, P.O. Box 7599, Loveland, Colorado 80537-0599, as set forth in the new appointment of agent.

Conclusion:

Applicants respectfully submit that the terminal disclaimer supplied in this submission puts claims 1-25 in condition for allowance, and further request that the petition to revive be granted and that the above-captioned application be allowed and passed to issue.

In addition, Applicants request to update the attorney docket number for this application to be listed as 10981978-7 in all future correspondence.

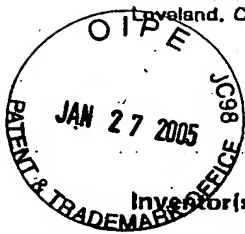
Respectfully submitted,



Aldo Noto
Attorney/Agent for Applicant(s)
Reg. No. 35,628

Date: **January 27, 2005**

Telephone No.: **(202) 662-2700**



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joseph J. KIRKLAND, et al.

Serial No.: 10/694,918

Examiner: C.P. Cooke

Filing Date: 10/28/2003

Group Art Unit: 1754

Title: POROUS SILICA MICROSPHERE SCAVENGERS

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER
RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,482,324 to Agilent Technologies Inc., which issued on 11/19/2002 and is commonly owned by Applicant. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

02/01/2005 AWONDAF1 00000052 502849 10694918

02 FC:1814 130.00 DA

Please charge the required fee set forth in 37 CFR 1.29(d) of \$130.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

(Note: An attorney or agent of record must sign this document.)

() I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.
Date of Deposit: _____ or _____

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

() Date of Facsimile: _____

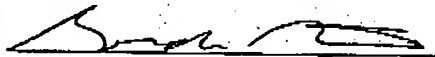
Typed Name: _____

Signature: _____

Respectfully submitted,

Joseph J. KIRKLAND, et al.

By



Gordon Stewart
Attorney/Agent for Applicant(s)
Reg. No. 30,528

Date: January 14, 2005

Telephone No.: (650) 485-2386